

#5



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/046,062	01/11/2002	Richard N. Marsh	P1396

CONFIRMATION NO. 2792



OC000000010794926

24394
 LARIVIERE, GRUBMAN & PAYNE, LLP
 1 LOWER RAGSDALE, BLDG. 1, SUITE 130
 P.O. BOX 3140
 MONTEREY, CA 93942

Date Mailed: 08/29/2003

NOTICE REGARDING RESCISSION OF NONPUBLICATION REQUEST AND NOTICE OF FOREIGN FILING

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the United States Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/11/2003.

If applicant has not "foreign filed," then applicant need take no further action regarding the nonpublication request.

If applicant "foreign filed" the application after filing the above application and before rescinding the nonpublication request and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), Off. Gaz. Pat. Office (July 1, 2003). This document is also posted on the USPTO Internet site at: www.uspto.gov.

If a notice of foreign filing was not filed within 45 days of the date of "foreign filing," then the application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii), and applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (703) 305-9282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

¹Note that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing" for purpose of this

notice.